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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002989

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SUBJECT: EUR/SE DIRECTOR DISCUSSES CYPRUS IN ANKARA MAY 18

(U) Classified by Political Counselor Janice G. Weiner,
reasons 1.4 (b) and (d).

¶1. (C) Summary: On May 18, EUR/SE Director Silliman gave MFA Northeastern Mediterranean DDG Bilman a readout of recent Cyprus-related meetings in New York, London and Brussels and asked for Ankara's ideas on measures for Turkish Cypriots that could provide Turkey the political space it needs to open ports and airports to Greek Cypriots. Bilman said the MFA is discussing ideas about Famagusta with EU Commission officials, and provided some details about port arrangements that could be sellable in Ankara. The MFA views the Customs Union dispute settlement mechanism as a last resort that it probably cannot persuade the government to accept. The MFA sees Russia's Cyprus stance changing, and recommends the U.S. consult with Russia on Cyprus. End Summary.

The UN Process

¶2. (C) Silliman gave Bilman a complete readout of his recent Cyprus-related meetings in New York, London and Brussels. Bilman appreciated the readouts, and told Silliman the MFA was in touch with the EU Commission, the UK, the UN and the Finns. Silliman asked Bilman what types of measures for Turkish Cypriots would provide the political space Turkey needs to open its ports and airports to Greek Cypriot vessels and aircraft.

¶3. (C) Bilman insisted the MFA did not have a problem with SRSG Moeller but that Moeller was exceeding his mandate, which was to bring Turkish and Greek Cypriots together for technical talks. Bilman claimed his contacts in the UN Secretariat said Moeller was not regularly reporting his

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activities to them. Silliman strongly urged Bilman to have the MFA open direct communications with Moeller. Bilman doubted the MFA would do so until the UN replied to "TRNC President" Talat's April 4 letter asking for the SYG's current position on the Annan Plan.

¶4. (C) Bilman said Commission officials had approached Turkey with ideas about opening ports that could be presented through a UN process. He speculated the SYG could produce a matrix, as alluded to in UN U/SYG Gambari's March 20 letter

to Talat. He acknowledged Turkey still needs to provide Gambari with ideas of what Turkey would need in order to open ports and airports. Bilman said London and Brussels were also seeking a solution to the ports and airports problem.

¶5. (C) Silliman told Bilman the UN would be very reluctant to infringe on Turkey/EU issues and reminded him that in the end Turkey had to implement its EU obligations.

Nevertheless, Bilman said a UN "suggestion" on the ports issue would be welcome in Ankara.

Famagusta

¶6. (C) Bilman said that he discussed ideas on Famagusta and other ports with Commission officials, including the idea of resolving the ports issue via Customs Union dispute settlement mechanisms. According to Bilman, the MFA views these mechanisms as a "last resort" and would have difficulty convincing the government to accept either binding arbitration or submitting the issue to the European Court of Justice (ECJ). Bilman strongly doubted the MFA would be able to convince the political leadership in the government to accept either one.

¶7. (C) Bilman called the idea of opening a Turkish Cypriot port "a good one" that the MFA is working on without Talat's knowledge, since it could involve some degree of UN or EU control, which Talat would resist. However, according to Bilman, in order for a Famagusta proposal to be sellable in Ankara, the port must remain Turkish Cypriot territory, not a UN zone, and there must be no Greek Cypriot involvement of any sort. Bilman was open to the idea of Commission officials being stationed in the port, adding that the proposal would be more welcome if the Turkish Cypriot Chamber of Commerce issues certificates of origin. Port management

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could be handled by an international third party company, but port master duties would have to be handled by Turkish Cypriots.

¶8. (C) Bilman predicted Turkey would not open any port before the EU progress report on Turkey, but he thought the EU and the GOT could limit the damage and prevent a complete halt in Turkey's accession negotiations.

Russia, Cyprus and Turkey

¶9. (C) Bilman said Russia's Cyprus stance is changing, becoming more favorable for Turkey and Turkish Cypriots. He speculated that FM Lavrov may be leaning toward approving Russian measures to help Turkish Cypriots. Bilman thinks Russia seeks "respect" and to be consulted on Cyprus; he recommended that the U.S. consult with the GOR on Cyprus. (Note: Lavrov will be in Turkey May 31-June 1, an opportunity for the Turks themselves to press their points. End note.)

Talking to the UK

¶10. (C) Silliman spoke separately with UK Ambassador Westmacott and DCM Roberts to compare notes on Cyprus. Westmacott and Roberts agreed that Brussels was focused on avoiding a Cyprus train-wreck in Turkey's EU negotiations. Westmacott was looking for creative ideas, including trading the opening of one port in Turkish Cyprus for the opening of Turkish ports or other "new" approaches that would allow the Turks to fulfill their obligation. As a last resort, Westmacott indicated he was talking to MFA about the possibility of invoking the Customs Union dispute settlement mechanism. As a practical matter, in either case - arbitration or ECJ referral - the Turkish complaint that it would not give them the time and cover the GOT needed was disingenuous, since the process would last at least two

years. Though it would have to be approved at 25 in Brussels, the moral suasion on the Greek Cypriots would be stronger with an ECJ case: the argument would be that Turks are accepting an EU institution although they are not yet members. Were dispute settlement to be used, Westmacott stressed, it could not be unveiled until the last minute to be effective.

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